

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Annual Assessment of the Status of
Competition in the Market for the
Delivery of Video Programming

MB Docket No. 06-189

**COMMENTS OF THE NORTHERN DAKOTA COUNTY CABLE
COMMUNICATIONS COMMISSION (NDC4)**

The Northern Dakota County Cable Communications Commission ("NDC4") submits these Comments in response to the Notice of Inquiry, released October 20, 2006, in the above-captioned proceeding ("NOI").

These Comments are submitted by NDC4 in support of the Comments filed by the National Association of Telecommunications Officers and Advisors ("NATOA") and in support of the Comments filed jointly by the League of Minnesota Cities ("LMC") and Minnesota Association of Community Telecommunications Administrators ("MACTA"). Like the above-mentioned organizations, of which NDC4 and its member cities are members, NDC4 believes that local governments play an important role in franchising video service providers, that local governments seek competition in our communities, that local franchising is NOT a barrier to competition, that reasonable build-out requirements are NOT a barrier to competition, and that recent examples of statewide franchising legislation in a few states have proven so far NOT to create faster entry and NOT to lower prices.

NDC4 previously filed Comments in the Commission's franchising proceeding, MB Docket No. 05-311, the Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 ("NPRM"). Because the NOI raises many of the same issues and seeks comment on topics that were addressed by our filings in the NPRM, copies of these Comments are attached hereto for inclusion in this proceeding.

Specific to the topic of the status of competition in the video market, and especially whether local franchising is a barrier to that competition, our Comments filed under MB Docket No. 05-311 and attached describe how we successfully processed two applications for competing video franchises in 2000-01 (see attached). As stated by NATOA, LMC, MACTA and many other local government organizations in this proceeding, we have proven time and again that local governments cannot be

blamed for the for the slow entry of competition into the video programming marketplace.

Furthermore, local franchising provides vital protections for both consumers and for the companies providing service in our communities. To summarize the benefits of local franchising as stated in our Comments filed under MB Docket No. 05-311 and attached:

- 1) Local governments are experienced at working with video providers to both see that the needs of the local community are met and to ensure that the practical business needs of providers are taken into account
- 2) Local franchising ensures that local video operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner that is in accordance with local requirements.
- 3) Local franchising ensures that our local community's specific needs are met and that local customers are protected.
- 4) Local franchises provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create new Federal or State bureaucracies to handle matters of specifically local interest.
- 5) Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access and institutional networks) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

NDC4 respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Local cable franchising works well in Northern Dakota County, in Minnesota, and across the United States. We support and encourage efforts to increase competition in the video marketplace, but local franchising must not be used as an excuse for the failure of new providers to enter into local video markets.

Respectfully submitted,

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November 29, 2006

Attachment

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